



FINDING OF NO SIGNIFICANT IMPACT FOR THE ISSUANCE OF AN INCIDENTAL HARASSMENT AUTHORIZATION TO THE U.S. NAVY TO TAKE MARINE MAMMALS BY HARASSMENT INCIDENTAL TO 2024 ICE EXERCISES IN THE BEAUFORT SEA AND ARCTIC OCEAN AND ADOPTION OF THE NAVY'S FINAL SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT/OVERSEAS ENVIRONMENTAL ASSESSMENT

I. INTRODUCTION

The National Marine Fisheries Service (NMFS) received an application from the United States Department of the Navy (Navy) requesting authorization for incidental take of marine mammals in connection with submarine training and testing activities analyzed in their 2022 Environmental Assessment/Overseas Environmental Assessment (2022 EA/OEA) and 2024 *Supplemental Environmental Assessment/Overseas Environmental Assessment for the Ice Exercise Program* (2024 SEA/OEA). NMFS is required to review applications and, if appropriate, issue Incidental Take Authorizations¹ (ITAs) pursuant to the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 et seq.). The Navy's activities are considered military readiness activities pursuant to the MMPA, as amended by the National Defense Authorization Act for Fiscal Year 2004. In addition, the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq.), implementing regulations at 40 Code of Federal Regulations (CFR) Parts 1500 - 1508², and National Oceanic and Atmospheric Administration (NOAA) policy and procedures³ require all proposals for major federal actions be reviewed with respect to environmental consequences on the human environment. The purpose of this document is to address NMFS' determination to adopt the final 2024 SEA/OEA to support the analysis associated with its consideration of whether to issue an MMPA Incidental Harassment Authorization (IHA) and the evaluation that issuance of this IHA will not significantly impact the quality of the human environment.

NMFS proposes to issue an IHA to the Navy pursuant to Section 101(a)(5)(D) of the MMPA and 50 CFR 216.102. The IHA would be valid from February 1, 2024 through April 30, 2024 and authorizes take, by Level B harassment, of marine mammals (ringed seals only) incidental to submarine training and testing activities in the Beaufort Sea and Arctic Ocean during that period (ICEX24). NMFS' Proposed Action is a direct outcome of responding to the Navy's request for an IHA pursuant to the MMPA. An authorization for incidental takings resulting from a military readiness activity shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, the IHA must set forth the permissible methods of taking, other means of effecting

¹ ITAs may be issued as either (1) regulations and subsequent Letters of Authorization or (2) an IHA. Detailed information about the MMPA is available at <https://www.fisheries.noaa.gov/topic/laws-policies#marine-mammal-protection-act>.

² This Finding of No Significant Impact applies CEQ's NEPA regulations currently in effect. See 50 C.F.R. § 1506.13.

³ NOAA Administrative Order (NAO) 216-6A "Compliance with the National Environmental Policy Act, Executive Orders 12114, Environmental Effects Abroad of Major Federal Actions; 11988 and 13690, Floodplain Management; and 11990, Protection of Wetlands" issued April 22, 2016 and the Companion Manual for NAO 216-6A "Policy and Procedures for Implementing the National Environmental Policy Act and Related Authorities" issued January 13, 2017.



the least practicable adverse impact on the species or stock(s) and their habitat, and requirements pertaining to the monitoring and reporting of such takings.

NMFS' issuance of this IHA allowing the taking of marine mammals, consistent with provisions under the MMPA and incidental to an applicant's lawful activities, is considered a major federal action. Therefore, NMFS conducted an environmental review of the Navy's IHA application and final 2024 SEA/OEA and determined that adopting the final 2024 SEA/OEA and preparing a Finding of No Significant Impact (FONSI) is appropriate for NMFS' consideration of whether to issue an IHA to the Navy for ICEX24 activities. This FONSI evaluates the context and intensity of the impacts on marine mammals associated with NMFS' consideration of whether to issue this IHA to the Navy for ICEX24 activities and documents NMFS' determination to adopt the Navy's final 2024 SEA/OEA pursuant to 40 CFR 1506.3 to satisfy its NEPA obligations.

II. BACKGROUND

The Navy's Ice Exercises (ICEXs) involving submarine activity are typically conducted every 2 years in the waters north of Alaska. The purpose of the Navy's Proposed Action is to evaluate the employment and tactics of submarine operability in Arctic conditions, test emerging technologies, assess capabilities in the Arctic, and gather data on Arctic environmental conditions. The Navy has requested an IHA to authorize the take of marine mammals incidental to the Navy's planned ICEX activities for 2024 (ICEX24). ICEX activities are described in detail in the 2022 EA/OEA and in the final 2024 SEA/OEA. ICEX24 would be conducted in a manner similar to the activities analyzed in the 2022 EA/OEA, except that ICEX24 does not include torpedo training exercises and it includes some changes to research activities. The 2024 SEA/OEA discusses new science since the 2022 EA/OEA and the ICEX24 activities, including the construction of an ice camp; submarine testing and training activities; and research activities.⁴ NMFS' purpose is to evaluate the Navy's Proposed Action pursuant to NMFS' authority under the MMPA, and to make a determination whether to issue an IHA for submarine testing and training activities, including any conditions or mitigation measures along with monitoring and reporting requirements needed to meet the statutory requirements of the MMPA.

NMFS previously issued IHAs to the Navy for 2018 ICEX activities (ICEX18), 2020 ICEX activities (ICEX20), and 2022 ICEX activities (ICEX22), with effective dates beginning February 1, 2018, February 1, 2020, and February 4, 2022, respectively (83 FR 6522, February 14, 2018; 85 FR 6518, February 5, 2020; 87 FR 7803, February 10, 2022).

III. PROPOSED ACTION AND ALTERNATIVES SUMMARY

A. Navy Proposed Action

As described in the 2022 EA/OEA, the Navy is proposing to conduct submarine training and testing activities, which includes the establishment of a tracking range and temporary ice camp, and to conduct research in the Arctic environment for 6 weeks beginning in February 2024. Under the ICEX program, the submarine training and testing activities, including tracking range activities, would be conducted biennially, but a temporary ice camp would be established annually in one of two areas: either in the ice camp study area (Figure 2-1 of the 2022 EA/OEA) or on a frozen lake in Deadhorse,

⁴ As a supplement, the 2024 SEA/OEA incorporates by reference the 2022 EA/OEA, in relationship to some activities and analyses relevant to the request for an IHA for ICEX24.

Alaska (Figure 2-2 of the 2022 EA/OEA). An ice camp established during years without submarine activity is referred to as a “Beta camp,” regardless of location.⁵ The purpose of the Navy’s Proposed Action is to evaluate the employment and tactics of submarine operability in Arctic conditions. The Navy’s Proposed Action would also evaluate emerging technologies, assess capabilities in the Arctic environment, and gather data on Arctic environmental conditions. The vast majority of submarine training and testing would occur near the associated ice camp, however, some submarine training and testing may occur throughout the deep Arctic Ocean basin near the North Pole, within the ICEX Study Area (Figure 2-1 of the 2022 EA/OEA). Though the Study Area is large, the area where the proposed ice camp would be located is a much smaller area (see ice camp study area in Figure 2-1 of the 2022 EA/OEA). Though the configuration of equipment and/or the types of equipment may differ between the 2022 EA/OEA and the 2024 SEA/OEA, the general activities will remain the same. The Proposed Action for the 2024 SEA/OEA differs from the 2022 action in that (1) no torpedo exercises would occur; and (2) it includes some changes to the planned research activities, including to sound sources used.

The Navy’s Proposed Action, including the construction and demobilization of ice camps, would occur over approximately a 6-week period. The submarine training and testing, and the research activities, would occur over approximately 4 weeks during the 6-week period for ICEX. The ice camp should be fully functional within 5 days after initial flights to drop-off equipment have been made.

Ice Camp

For purposes of the 2024 SEA/OEA, the ice camp would operate in the same manner as was described in the 2022 EA/OEA. The ice camp would consist of a command hut, dining tent, sleeping quarters, an outhouse, a powerhouse, runway (and a back-up runway for use in case of an emergency), and a helipad. The number of structures/tents would range from 15 to 20, and are typically 2 to 6 meters (m) by 6 to 10 m in size. Some tents may be octagon shaped that are approximately 6 m in diameter. Berthing tents would contain bunk beds, a heating unit, and a circulation fan. The completed ice camp, including the runway, would be approximately 1.6 kilometers (km) in diameter. Support equipment for the ice camp includes snowmobiles, gas powered augers and saws (for boring holes through the ice), two reverse osmosis units, and diesel generators.

All ice camp materials, fuel, and food would be transported from Prudhoe Bay, Alaska, and delivered by air-drop from military transport aircraft (e.g., C-17 and C-130), or by landing at the ice camp runway (e.g., small twin-engine aircraft and military and commercial helicopters). Aircraft would be used to transport personnel and equipment from the ice camp to Prudhoe Bay. Up to nine round trips could occur daily during ice camp build-up and demobilization. During ice camp operations, one to three round trips per day would occur. At the completion of ICEX activities, the ice camp would be demobilized, and all personnel and materials would be removed from the ice floe. All shelters, solid waste, hazardous waste, and sanitary waste would be removed from the ice upon completion of ICEX activities and disposed of in accordance with applicable laws and regulations.

A portable tracking range for submarine training and testing would be installed in the vicinity of the ice camp during an ICEX event; hydrophones, located on the ice and extending to 30 m below the ice, would be deployed. The hydrophones would be deployed by drilling/melting holes in the ice and lowering the cable down into the water column. Hydrophones would be linked remotely to the

⁵ Beta camps would not be constructed during ICEX24, and therefore are not relevant to the Navy’s 2024 IHA request. Please see the 2022 EA/OEA for additional detail about beta camps.

command hut. Additionally, tracking pingers would be configured aboard each submarine to continuously monitor the location of the submarines. Acoustic communications with the submarines would be used to coordinate the training and research schedule with the submarines; an underwater telephone would be used as a backup to the acoustic communications. Recovery of the hydrophones is planned, however if emergency demobilization is required or the hydrophones are frozen in place and are unrecoverable, they would be left in place. Additionally, hydrophones for research purposes could be deployed up to 500 m, and would be recovered if possible.

Freshwater would only be made available in the camp's dining facility. This water would be available for limited food preparation, dishwashing, and human consumption. Additionally, a hygiene station would be available at the ice camp for hand washing. The hygiene station would be located in the dining facility and consist of a gravity fed container which would provide water for hand sanitizing and/or face washing if needed. The hygiene station would utilize the same drain as the kitchen sink for grey water discharge. No shower facilities would be available at the camp.

Dishwashing and a hygiene station would use biodegradable, chlorine-, and phosphate-free detergent that meets the Environmental Protection Agency's Safer Choice standards (U.S. Environmental Protection Agency 2015). Prior to use, dishwashing water would be heated using an on-demand propane water heater. Wastewater generated during food preparation and dishwashing would be discharged to the Beaufort Sea via a single drain in the camp's dining facility. The drain would consist of a corrugated pipe, wrapped in electric heat tape to prevent the pipe from freezing, which would be placed through a hole drilled/melted into the ice. The drain would utilize a removable metal screen to capture solid debris (i.e., food particles) in the wastewater prior to discharge. The metal screen would have a mesh size of no greater than 0.16 centimeters. Solids captured in the screen would be disposed of via the camp's solid waste containers and brought back to Prudhoe Bay, Alaska, for disposal. Freeze-dried, camping style meals would be the primary form of meals, supplemented with fresh fruit, energy bars, etc. The camp would have an average discharge rate of 100 gallons per day, with a maximum discharge rate of 195 gallons per day during the 2 weeks of peak camp operations. The estimated total discharge from the ice camp's dining facility is 2,925 gallons.

Most freshwater for drinking and cooking would be produced by reverse osmosis through desalination. However, the camp may also utilize mining and melting of multi-year ice. The operation of a reverse osmosis system results in "reject water," or water that is of higher salinity (approximately three times the salinity) than the initial seawater input. This reject water would also be discharged at the camp via a single drain (corrugated pipe placed through a hole in the ice) co-located with the portable system. The average reject water production is expected to be 144 gallons per day. This amount is based on the unit not being operated continuously due to downtime associated with system maintenance and adjustments for flow rate. The maximum reject water production would be approximately 576 gallons per day. The extreme conditions of the ice camp would influence both the system's efficiency and ability to operate, which is why the output from the system would be variable. Assuming continuous operation (24 hours per day) for the 4 weeks of camp operations (excluding a week each for construction and demobilization), a maximum total discharge of reject water from the ice camp would be 8,064 gallons.

Sanitary/human waste generated at the camp would be collected in zero-discharge sanitary facilities (e.g., barrels lined with a plastic bag), which would then be containerized and flown back to Prudhoe Bay, Alaska, for disposal at appropriate facilities.

In addition to the main ice camp, two smaller, adjacent berthing areas are proposed for ICEX activities. These areas (used for expeditionary forces) would leverage the facilities provided by the main camp (e.g., sanitary facilities) while verifying these groups could function independently if necessary. All materials from these adjacent areas would be removed from the ice upon completion of the activities.

Prudhoe Bay

As described in the 2022 EA/OEA and final 2024 SEA/OEA, during the Proposed Action, flights to and from Prudhoe Bay would utilize the public airport in Deadhorse, Alaska. Up to nine round trips could occur daily in addition to the usual flight traffic that occurs at the airport (average of 60 flights per day). All flights would leave from Deadhorse Airport and fly directly to the ice camp. The flight and transit corridor is shown in Figure 2-1 of the 2022 EA/OEA and the final 2024 SEA/OEA. The flight corridor is approximately 25 miles wide and is the most direct route to the camp.

An average of 6 to 12 personnel would stay at the local lodging facilities during the duration of ICEX activities. Since the personnel would be staying in commercial lodging facilities, they would easily be absorbed into the communities' infrastructure and would not require any additional resources. The community is set up for transient type communities and handling influxes of groups such as oil and gas employees. The additional personnel would not impact any other resources because of the minimal amount of time spent in the area and the concentration of people moving from lodging to the ice camp.

Submarine Training and Testing

As described in the 2022 EA/OEA and final 2024 SEA/OEA, submarine activities associated with an ICEX are classified, but generally entail safety maneuvers, active sonar use, and in some years, exercise torpedo use.⁶ These maneuvers and sonar use are similar to submarine activities conducted in other undersea environments; they are being conducted in the Arctic to test their performance in a cold environment. Classified descriptions of submarine training and testing activities planned for ICEX can be provided to authorized individuals upon request. Submarine training and testing involves active acoustic transmissions, which have the potential to harass marine mammals.

Research Activities

As described in the 2022 EA/OEA and final 2024 SEA/OEA, personnel and equipment proficiency testing and multiple research and development activities would be conducted (Table 2-1 of the 2022 EA/OEA and final 2024 SEA/OEA). Each type of activity scheduled for ICEX24, including research activities and the submarine training and testing activities discussed above, has been reviewed and placed into one of seven general categories of actions (Table 2-1 of the final 2024 SEA/OEA); these same categories of actions are analyzed in the 2022 EA/OEA, and the final 2024 SEA/OEA includes an updated table with the specific activities that would occur in ICEX24. Due to the uncertainty of extreme cold, some scheduled activities may not be able to be conducted. All research personnel traveling to the ice camp would be berthed at the established ice camp facilities. Table 2-2 of the final 2024 SEA/OEA lists the parameters for scientific devices with active acoustics, though the parameters for some active acoustic sources associated with research activities are classified.

Platform Descriptions

As described in the 2022 EA/OEA and final 2024 SEA/OEA, typical platforms used for ice camp logistics and those necessary to support proposed research activities include on-ice vehicles (e.g.,

⁶ The Navy does not plan to use exercise torpedoes in ICEX24. Please see the 2022 EA/OEA for additional information about torpedoes.

snowmobiles), aircraft, unmanned vehicles (both aerial and underwater), and passive devices. Although details on some specific systems are provided as examples, the general categories of platforms are analyzed for their potential effect on the environment. Please refer to the 2022 EA/OEA for platform descriptions (i.e., on-ice vehicles, aircraft, unmanned devices, and passive scientific devices). No significantly different platforms for on-ice vehicles, aircraft, passive scientific devices, or unmanned underwater vehicles are proposed for ICEX24 that were not analyzed in the 2022 EA/OEA; therefore, platform descriptions are not repeated in the final 2024 SEA/OEA.

B. NMFS' Proposed Action

Sections 101(a)(5)(A) and (D) of the MMPA allow NMFS to authorize the incidental but not intentional take of small numbers of marine mammals, provided certain determinations are made and statutory and regulatory procedures are met. To authorize the incidental take of marine mammals, NMFS evaluates the best available scientific information to determine whether the take would have a negligible impact⁷ on marine mammal species or stocks and whether the activity would have an unmitigable adverse impact on the availability of affected marine mammal species or stocks for subsistence use.

The 2004 National Defense Authorization Act (Pub. L. 108-136) removed the “small numbers” limitation indicated above and amended the definition of “harassment” as applied to a “military readiness activity.” The activity for which the Navy has requested incidental take of marine mammals qualifies as a military readiness activity.

NMFS cannot issue an ITA if the take would result in more than a negligible impact on marine mammal species or stocks or would result in an unmitigable adverse impact on subsistence uses. NMFS must also prescribe the permissible methods of taking and other means of effecting the least practicable adverse impact on the species or stocks of marine mammals and their habitat, paying particular attention to rookeries, mating grounds, and other areas of similar significance. Where applicable, NMFS must prescribe means of effecting the least practicable adverse impact on the availability of the species or stocks of marine mammals for subsistence uses. ITAs also include requirements pertaining to monitoring and reporting.

NMFS' Proposed Action is to issue a 1-year IHA pursuant to the MMPA to authorize non-intentional harassment by Level B harassment in the form of behavioral disturbance, including temporary hearing impairment (temporary threshold shift (TTS)), of ringed seals incidental to the Navy's activities, if all required findings and determinations can be made.⁸ Since NMFS' Proposed Action would authorize take of marine mammals incidental to a subset of the activities analyzed in the final 2024 SEA/OEA (submarine training and testing and research activities), these components of the Navy's Proposed

⁷ NMFS defines "negligible impact" as “an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.” (50 CFR § 216.103)

⁸ Note that NMFS is not analyzing the potential for a renewal IHA herein, as the Navy's description of its action only describes activities that may result in take of marine mammals as occurring every other year. Therefore, NMFS does not anticipate that future ICEX activities would be eligible for a renewal of this IHA as a renewal IHA is only valid for activities in the year immediately after the original IHA expires. If the Navy were to change its activities such that ICEX activities may result in take of marine mammals in 2025 and submit a request for a renewal IHA, NMFS would evaluate the Navy's request for a renewal IHA as well as appropriate compliance with NEPA.

Action are the subject of NMFS' Proposed Action. Therefore, NMFS' Proposed Action is a direct outcome of the Navy's request for an IHA and would authorize take of marine mammals incidental to a subset of the activities analyzed in the Navy's final 2024 SEA/OEA.

C. Alternatives Considered by the Navy

In the 2022 EA/OEA, the Navy analyzed three alternatives, two action alternatives (Alternatives 1 and 2) and a No Action Alternative where the Navy would not establish an ice camp and no submarine training, testing, or research activities would be conducted. Alternative 1 in the Navy's 2022 EA/OEA included construction of an ice camp, research activities, and submarine training and testing activities (including torpedo exercises every four years). Alternative 2 (the Preferred Alternative) included activities described under Alternative 1 plus research activities and construction of a smaller "beta" ice camp in alternate years. Under the Navy's final 2024 SEA/OEA No Action Alternative, ICEX24 would occur as it was analyzed in the 2022 ICEX EA/OEA (Alternative 2 in the 2022 EA/OEA). This alternative requires no subsequent analysis of potential consequences to environmental resources, as all potential consequences to environmental resources have already been analyzed.

Under the Proposed Action, the Navy would establish an ice camp to support submarine training and testing. The ice camp would be established approximately 100–200 nautical miles north of Prudhoe Bay, Alaska; the exact location cannot be identified in advance, as many of the required conditions (e.g., ice cover) cannot be forecasted until around the time when the exercises are expected to commence. The vast majority of submarine training and testing would occur near the ice camp; however, some submarine training and testing may occur throughout the deep Arctic Ocean basin near the North Pole, within the Study Area (Figure 2-1 in the final 2024 SEA/OEA). Though the Study Area is large, the area where the proposed ice camp would be located is a much smaller area (see ice camp Proposed Action area on Figure 2-1 in the 2024 EA/OEA). Prior to the set-up of the ice camp, reconnaissance flights would be conducted to locate suitable ice conditions required for the location of the ice camp. The reconnaissance flights would occur over an area of approximately 70,374 square kilometers (km²); the actual ice camp is no more than 1.6 km in diameter (approximately 2 km² in area).

The Navy's Proposed Action would occur over an approximately 6 week period annually from February to early April, including construction and demobilization of the ice camp. The submarine training and testing would occur over approximately 4 weeks during the 6-week period in alternating years only.

Other action alternatives considered but not carried forward for detailed analysis in the 2022 EA/OEA (and referenced in the final 2024 SEA/OEA) include geographic, seasonal, and operational variations. As discussed in the screening criteria (Section 2.3 of the 2022 EA/OEA and of the final 2024 SEA/OEA), holding ICEX events in a different location (i.e., Study Area), or at a different time of year, would not satisfy the purpose and need. For example, holding ICEX events closer to shore would not afford sufficiently thick ice to support an ice camp as well as the submarine tracking range to conduct the required submarine training and testing. Additionally, submarines need a relatively deep depth in which to operate. Positioning the camp further from shore would put the camp beyond the reach of logistics support required to sustain the activity. Not constructing and testing equipment for a Beta Camp would not allow new technologies to be tested before a longer duration use in the ICEX event. Seasonal alternatives are likewise not feasible because the combination of ice conditions and sufficient daylight required to support the ice camp are only available in the timeframe identified for

the Navy's Proposed Action. Additionally, any alternative that restricted acoustic transmissions, aircraft movement, or prescribed time restrictions would not allow the Navy to meet its training requirements and therefore, would not satisfy the purpose and need. Finally, altering how submarine training and testing is conducted (e.g., reducing source level or limiting duration) is not feasible because the training and test plans are designed to specifically meet or test certain objectives. Conducting the training and testing differently would not meet the purpose and need of these requirements. Therefore, the Study Area identified in Figure 2-1 of the final 2024 SEA/OEA is the only suitable location, February through April is the only suitable timeframe, and the Proposed Action must be conducted as proposed to meet training and testing objectives.

D. Alternatives Considered by NMFS

In accordance with NEPA and the Council on Environmental Quality (CEQ) regulations, NMFS is also required to consider a reasonable range of alternatives to a Proposed Action. Since NMFS is adopting the final 2024 SEA/OEA, it reviewed that document to determine whether it met this requirement. NMFS determined the Navy's analysis of alternatives in the 2024 SEA/OEA is adequate for the purposes of NEPA and the CEQ regulations, and therefore, chose not to supplement the Navy's 2024 SEA/OEA by developing and evaluating additional alternatives. However, based on the statutory framework explained in Section III, paragraph B above, NMFS considers two alternatives, a No Action Alternative, in which NMFS denies the Navy's application for an IHA, and an Action Alternative, in which NMFS would grant a 1-year IHA to the Navy for incidental, not intentional, harassment of marine mammals species or stocks caused by the Navy's ICEX activities, provided that all findings and required determinations could be made. Thus, the alternatives analysis (Section 2.3.3) in the 2022 EA/OEA and the final 2024 SEA/OEA supports NMFS' alternatives described below.

No Action Alternative: For NMFS, denial of an MMPA ITA constitutes NMFS' No Action Alternative, which is consistent with its statutory obligation under the MMPA to grant or deny ITA requests and to prescribe mitigation, monitoring, and reporting measures with any authorizations. Under NMFS' No Action Alternative, NMFS would not issue an IHA to the Navy, and NMFS assumes the Navy would not conduct their submarine training and testing activities.

Action Alternative: NMFS issues a 1-year IHA to the Navy for incidental, not intentional, harassment of marine mammals caused by the Navy's ICEX activities, as described under the Navy's Preferred Alternative (Proposed Action, Section 2.3.2) in the final 2024 SEA/OEA, provided that all required MMPA findings and determinations can be made. The IHA would require the mitigation and monitoring measures described in the Mitigation and Monitoring section of this FONSI, and in NMFS' *Federal Register* notice of proposed IHA (88 FR 85244; December 7, 2023).

IV. ENVIRONMENTAL REVIEW

NMFS independently reviewed the final 2024 SEA/OEA and concluded the impacts evaluated by the Navy are substantially the same as the impacts to be considered by NMFS for its Proposed Action to issue a 1-year IHA for the take of marine mammals incidental to the Navy's submarine testing and training ICEX activities. NMFS has determined that the 2022 EA/OEA, and the final 2024 SEA/OEA by reference, contains an adequate evaluation of the direct, indirect, and cumulative impacts on marine mammals under NMFS' jurisdiction, including species listed under the Endangered Species Act (ESA) and the marine environment. The final 2024 SEA/OEA also addresses NOAA's required components

for adoption because it meets the requirements for an adequate Environmental Assessment under the CEQ regulations and NOAA policy and procedures.

V. PUBLIC INVOLVEMENT

NMFS did not participate as a cooperating agency during the development of the Navy's final 2024 SEA/OEA, but did provide comments on the document during development. Regarding the proposed IHA for ICEX24 activities, NMFS relied substantially on the public process pursuant to the MMPA to develop and evaluate environmental information relevant to an analysis under NEPA. NMFS published a notice of the proposed IHA in the *Federal Register* on December 7, 2023 (88 FR 85244). There, NMFS notified the public of its intent to use the MMPA public review process for the proposed IHA to solicit relevant environmental information and provide the public an opportunity to submit comments on its Proposed Action. In addition, NMFS indicated its plan to adopt the final 2024 SEA/OEA, if appropriate and once finalized, and posted the link to the draft document in the notice of the proposed IHA.

During the 30-day public comment period, NMFS did not receive any public comments.

VI. ANALYSIS SUMMARY

The environmental consequences to the marine environment and protected resources are important to the evaluation leading to the decision to issue any given ITA. In particular, because NMFS' action is specific to authorizing incidental take of marine mammals, the key factors relevant to, and considered in a decision to issue any given ITA, are related to NMFS' statutory authority under the MMPA. The information in the following subsections discusses key factors considered in the analysis in the 2022 EA/OEA and final 2024 SEA/OEA along with the evaluation and reasons why the impacts of NMFS' Proposed Action to issue an IHA for ICEX24 will not significantly impact the quality of the human environment.

A. Environmental Consequences

In the 2022 EA/OEA, the Navy presented the baseline environmental conditions and impacts for affected resources in the Arctic Ocean. Since the anticipated impacts of NMFS' Proposed Action are limited to marine mammals, which, if affected, would be through the introduction of sound into the marine environment during ICEX24, the analysis in the final 2024 SEA/OEA (Section 2.4) specifically focuses on impacts to marine mammals. All stressors (i.e., aircraft noise, on-ice vehicle strike, in-water vessel and vehicle strike, entanglement and ingestion of foreign material) other than acoustic transmissions (ringed seal) and effects of on-ice vehicles and human presence (polar bears) were analyzed in the 2022 EA/OEA, and the potential for impacts remains unchanged from that analysis. The affected environment and environmental consequences of all other potential resources and stressors are described in Chapters 3 and 4 of the 2022 EA/OEA.

The Acoustic Stressors to Pinnipeds section (4.1 of the final 2024 SEA/OEA), and Acoustic Transmissions section (4.1.1), Aircraft Noise section (4.1.2), and On-Ice Vehicle Noise section (4.1.3) of the Navy's 2022 EA/OEA contain the majority of the analysis that relates to NMFS' action of issuing an IHA for ICEX24. This includes the assessment by the Navy to provide an evaluation of potential impacts to marine mammals, including descriptions of the potential acoustic impacts used to indicate at what received sound levels marine mammals would experience certain effects (equivalent to regulatory definitions of harassment pursuant to the MMPA). Other subsections contain analyses

related to potential impacts on marine mammal habitat and prey, along with the potential for cumulatively significant impacts to marine mammals, all of which supports this analysis for issuance of the proposed IHA to the Navy. The principal types of impacts from the submarine sonar transmissions are limited to underwater noise (and its effects on marine biota). The Navy's Proposed Action is expected to result in elevated noise levels that may affect marine mammals; these effects are expected to be limited to behavioral harassment (Level B harassment), including the potential for TTS.

The anticipated impacts of the Navy's activities associated with the Proposed Action are primarily from increased levels of underwater sound resulting from submarine acoustic transmissions. The analysis in the final 2024 SEA/OEA indicated these impacts would be highly localized and short-term in nature. Underwater sound associated with ICEX24 could have an effect on the wildlife in the Study Area in the Beaufort Sea and Arctic Ocean basin. As such, the 2022 EA/OEA analyzed the impacts to marine mammals as well as impacts to fish, marine birds, invertebrates, and Essential Fish Habitat (EFH). The 2024 SEA/OEA concludes the impacts associated with the Proposed Action are minor, temporary, and result in no significant impacts, including impacts on species listed under the ESA. No marine mammals are anticipated to be exposed to sound levels resulting in injury or mortality during ICEX24.

B. Significance Evaluation

i. Purpose of Finding of No Significant Impact: NEPA requires the preparation of an Environmental Impact Statement (EIS) for any proposal for a major federal action significantly affecting the quality of the human environment. 42 U.S.C. § 4332(C). The CEQ regulations direct agencies to prepare a FONSI when an action not otherwise excluded will not have a significant impact on the human environment. 40 CFR §§ 1500.4(b), 1500.5(b), & 1501.6. To evaluate whether a significant impact on the human environment is likely, the CEQ regulations direct agencies to analyze the potentially affected environment and the degree of the effects of the Proposed Action. 40 CFR § 1501.3(b). In doing so, agencies should consider the geographic extent of the affected area (i.e., national, regional, or local), the resources located in the affected area (40 CFR § 1501.3(b)(1)), and whether the project is considered minor or small-scale (NAO 216-6A Companion Manual (CM), Appendix A-2). In considering the degree of effect on these resources, agencies should examine, as appropriate, short- and long-term effects, beneficial and adverse effects, and effects on public health and safety, as well as effects that would violate laws for the protection of the environment (40 CFR § 1501.3(b)(2)(i)-(iv); NAO 216-6A CM Appendix A-2 - A-3), and the magnitude of the effect (e.g., negligible, minor, moderate, major). CEQ identifies specific criteria for consideration. 40 CFR § 1501.3(b)(2)(i)-(iv). Each criterion is discussed below with respect to the Proposed Action and considered individually as well as in combination with the others.

In preparing this FONSI, NMFS reviewed the final 2024 SEA/OEA and 2022 EA/OEA which evaluate the affected area, the scale and geographic extent of the Proposed Action, and the degree of effects on those resources (including the duration of impact, and whether the impacts were adverse and/or beneficial and their magnitude). The final 2024 SEA/OEA and 2022 EA/OEA are hereby incorporated by reference and summarized herein. 40 CFR § 1501.6(b).

ii. Approach to Analysis:

NMFS' Proposed Action, the issuance of an IHA to the Navy for activities during the ICEX24, is not considered to meaningfully contribute to a significant impact based on the scale of the impact (authorization of take of ringed seals, by Level B harassment only), and the temporary and short-term

duration of the impact. No take of marine mammals by injury (Level A harassment), serious injury, or mortality is anticipated or proposed to be authorized in the IHA.

NMFS' Proposed Action, the issuance of an IHA to the Navy, would not meaningfully contribute to significant impacts to specific resources, given the limited scope of NMFS' action and required mitigation measures, as described in the final 2024 SEA/OEA and this FONSI.

NMFS' Proposed Action is a direct outcome of the Navy's request for an IHA to authorize take of marine mammals associated with ICEX24 in the Beaufort Sea and Arctic Ocean. The Navy's action may cause effects to the resources in the affected area, though there is no potential for the effects of NMFS' action to add to the effects of other projects, including the Navy's action, such that the effects taken together could be significant.

iii. Geographic Extent and Scale of the Proposed Action:

As stated in the final 2024 SEA/OEA, NMFS' Proposed Action, issuance of an IHA to the Navy, would authorize take of ringed seals resulting from the Navy's submarine training and testing activities in the ICEX Study Area. Construction of an ice camp and the submarine training and testing activities, including tracking range activities, would be conducted biennially. The vast majority of submarine training and testing would occur near the associated ice camp, however, some submarine training and testing may occur throughout the deep Arctic Ocean basin near the North Pole, within the ICEX Study Area (Figure 2-1 of the final 2024 SEA/OEA). Though the Study Area is large, the area where the proposed ice camp would be located is a much smaller area (see ice camp study area in Figure 2-1 of the 2024 EA/OEA). Additionally, the Navy's Proposed Action includes flights to and from Deadhorse Airport and the use of the Deadhorse Aviation Center Hangar and other facilities in Prudhoe Bay, Alaska. The environmental effects analyzed in the final 2024 SEA/OEA would occur at a relatively small scale.

iv. Degree of Effect:

A. The potential for the proposed action to threaten a violation of Federal, state, or local law or requirements imposed for environmental protection.

The issuance of this IHA to the Navy would not violate any federal, state, or local laws for environmental protection. NMFS compliance with environmental laws and regulations is based on NMFS' action and the nature of the applicant's activities. NMFS complied with the requirements of the MMPA in developing this IHA. NMFS Office of Protected Resources also consulted with the NMFS Alaska Region under Section 7 of the ESA to determine if the issuance of this IHA would likely jeopardize the continued existence of listed species or result in the destruction or adverse modification of ESA designated critical habitat. The Section 7 consultation concluded that issuance of an IHA would not jeopardize any listed species or destroy or adversely modify critical habitat, described further in section C, below. The Navy fulfilled its responsibilities under the MMPA and ESA for this action and would be required to obtain any additional federal, state, and local permits necessary to carry out the proposed activities.

B. The degree to which the proposed action is expected to affect public health or safety.

The issuance of this IHA to the Navy to authorize take of marine mammals is not likely to affect public health or safety because the majority of the proposed ICEX24 activities would take place in offshore areas and are unlikely to overlap with activities conducted by the public.

NMFS only authorizes the take of marine mammals associated with the Navy's proposed activities, which does not involve the public or expose the public directly (e.g., chemicals, diseases) or indirectly (e.g., food sources) to hazardous or toxic materials in a way that would be linked to the quality of the environment and well-being of humans.

C. *The degree to which the proposed action is expected to affect a sensitive biological resource, including:*

a. *Federal threatened or endangered species and critical habitat;*

The issuance of this IHA to the Navy would authorize incidental take in the form of short-term and localized changes in behavior and/or temporary displacement, including TTS of the Arctic subspecies of ringed seals, which are listed as threatened under the ESA. NMFS Alaska Region issued a Biological Opinion on January 11, 2024, as described in the final 2024 SEA/OEA, concluding that the issuance of an IHA to the Navy for ICEX24 is not likely to jeopardize the continued existence of the Arctic subspecies of ringed seals and is not likely to destroy or adversely modify any designated critical habitat.

NMFS expects that the responses of ringed seals from the Navy's activities would primarily be in the form of temporary displacement from the area and/or short-term behavioral changes, including limited potential for TTS, falling within the MMPA definition of "Level B harassment." NMFS does not anticipate that take by injury (Level A harassment), serious injury, or mortality would occur, nor has NMFS proposed to authorize take by injury, serious injury, or mortality. Further, as described in Section 6.2 of the final 2024 SEA/OEA (Mitigation Measures), the Navy would implement mitigation measures to reduce or avoid potential harm to marine resources, including marine mammals.

Therefore, in consideration of the factors above, while NMFS' Proposed Action is likely to adversely affect an ESA-listed species, the potential impacts are not expected to be significant as defined under NEPA.

b. *Stocks of marine mammals as defined in the Marine Mammal Protection Act;*

As stated above, the issuance of this IHA to the Navy would authorize incidental take, by Level B harassment, in the form of short-term and localized changes in behavior and/or temporary displacement, including TTS of ringed seals (Arctic stock). NMFS has proposed issuing an IHA to authorize this incidental take, by Level B harassment, of ringed seals (Arctic stock). Take by injury (Level A harassment), serious injury, or mortality is not anticipated nor proposed to be authorized.

In addition to considering estimates of the number of marine mammals that are reasonably likely to be "taken" by harassment, NMFS considered other factors, such as the likely nature of any responses (e.g., intensity, duration), the context of any responses (e.g., critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. NMFS also assessed the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS' implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental

baseline (e.g., as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

The Navy calculated the number of estimated takes of ringed seals, by Level B harassment, from submarine acoustic transmissions using the estimated range to effects, an occurrence estimate within that range, and the number of days on which active acoustic transmissions would occur. The number of anticipated takes are low relative to the estimated partial abundance of the affected stock.

Additionally, the Navy's Proposed Action is temporary and of relatively short duration. Potential adverse effects on prey species would also be temporary and spatially limited. Furthermore, alternate areas of similar habitat value for affected marine mammals would be available allowing animals to temporarily vacate the affected areas to avoid exposure to sound.

For these reasons, impacts resulting from this activity are not expected to significantly affect the marine mammal species or stocks as defined in the MMPA. Accordingly, NMFS preliminarily determined that the specified activity would have a negligible impact on the affected species and stocks of marine mammals.

The mitigation measures which the Navy plans to implement, and which would be required by the IHA to ensure the least practicable impact on affected marine mammals and their habitat, are described in Section 6.2 (Mitigation Measures) of the final 2024 SEA/OEA.

c. *Essential fish habitat identified under the Magnuson–Stevens Fishery Conservation and Management Act;*

NMFS' Proposed Action of issuing an IHA to the Navy to incidentally take marine mammals, by Level B harassment only, would not cause substantial damage to the ocean and coastal habitats and/or EFH. As stated in Section 3.2.4 (Essential Fish Habitat) of the 2022 EA/OEA, the only fish species for which EFH has been designated within the ICEX Study Area is Arctic cod. Elevated sound levels from submarine acoustic transmissions, human presence, and combusive byproducts have the potential to affect Arctic cod EFH. As stated in the Executive Summary of the 2022 EA/OEA, the Navy completed EFH consultation with NMFS for the 2016 ICEX, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act. For a previous ICEX event, NMFS concluded on November 9, 2015 that the Proposed Action would not likely reduce the quantity or quality of EFH. Since NMFS determined that the Navy's Proposed Action would not likely reduce the quantity or quality of EFH and no conservation recommendations were provided, the Navy did not reinitiate consultation for the 2024 ICEX.

d. *Bird species protected under the Migratory Bird Treaty Act;*

NMFS' Proposed Action of issuing an IHA to the Navy to incidentally take marine mammals, by Level B harassment only, in the form of short-term and localized changes in behavior and/or temporary displacement, including TTS of ringed seals, would not result in a significant adverse effect on a population of migratory bird species. The

impacts of NMFS' Proposed Action on marine mammals would be temporary and localized in nature and would not result in substantial impacts to marine mammals or to their role in the ecosystem, including in relation to birds.

e. *National marine sanctuaries or monuments;*

NMFS' Proposed Action of issuing an IHA to the Navy to incidentally take marine mammals would not affect a national marine sanctuary or monument, as the Navy's proposed activity does not take place within or near either. Therefore, take authorized under the IHA, if issued, would also not occur within or near a national marine sanctuary or monument.

f. *Vulnerable marine or coastal ecosystems, including, but not limited to, shallow or deep coral ecosystems;*

NMFS' Proposed Action of issuing an IHA to the Navy to incidentally take ringed seals would not cause substantial damage to marine or coastal ecosystems, as the action would be limited to the authorization of take by Level B harassment of ringed seals incidental to submarine training and testing activities. IHAs do not authorize the underlying activity (in this case, the Navy's training and testing activities), only the take incidental to that activity. The incidental take of ringed seals, by Level B harassment only, that would be authorized under this IHA, if issued, would not have any effect on vulnerable marine or coastal ecosystems.

g. *Biodiversity or ecosystem functioning (e.g., benthic productivity, predator-prey relationships, etc.)*

NMFS' Proposed Action of issuing an IHA to the Navy to incidentally take ringed seals would not have a substantial impact on biodiversity and/or ecosystem function within the ICES Study Area. NMFS expects that the Navy's Proposed Action may result in take by Level B harassment, in the form of short-term and localized changes in behavior and/or temporary displacement, including TTS of ringed seals, and has proposed issuing an IHA to authorize this take. Any impacts would be temporary and localized in nature and would not result in substantial impacts to ringed seals or to their role in the ecosystem. Take by injury (Level A harassment), serious injury, or mortality is not anticipated nor proposed to be authorized.

D. *The degree to which the proposed action is reasonably expected to affect a cultural resource: properties listed or eligible for listing on the National Register of Historic Places; archeological resources (including underwater resources); and resources important to traditional cultural and religious tribal practice.*

NMFS' Proposed Action of issuing an IHA to the Navy to incidentally take marine mammals would have no foreseeable impact to unique areas, such as historic or cultural resources, parkland, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas. NMFS expects that the Navy's Proposed Action may result in take by Level B harassment, in the form of short-term and localized changes in behavior and/or temporary displacement, including TTS of ringed seals, and has proposed issuing an IHA to authorize this take. Such harassment is not expected to substantially impact ecologically critical areas or cultural resources, as the impacts would be to marine mammals themselves as well as being temporary and localized in nature. Take by injury (Level A harassment), serious injury, or mortality is not anticipated nor proposed to be authorized.

As stated in Table 2-4 of the final 2024 SEA/OEA, no known archaeological or historical resources are located within the ICEX Study Area.

NMFS' Proposed Action of issuing an IHA to the Navy to incidentally take ringed seals is not reasonably likely to cause impacts to resources important to traditional culture and religious tribal practice, given the short-term, temporary nature of the activity, the negligible impact of the take on affected marine mammals, and the distance offshore where take would be expected to occur. As stated in Chapter 4 of the 2022 EA/OEA, though seals are harvested for subsistence uses off the North Slope of Alaska, the Navy's Proposed Action (and therefore, the take of ringed seals that would be authorized through the IHA), would occur for a brief period of time outside of the primary subsistence hunting season and the ICEX Study Area is seaward of subsistence hunting areas. Further, take of marine mammals by injury (Level A harassment), serious injury, or mortality is not anticipated nor proposed to be authorized in the IHA.

- E. *The degree to which the proposed action has the potential to have a disproportionately high and adverse effect on the health or the environment of minority or low-income communities, compared to the impacts on other communities (EO 12898).*

NMFS' Proposed Action of issuing an IHA to the Navy to incidentally take ringed seals would have no foreseeable impact to minority or low-income communities, let alone a disproportionately high impact to those communities in comparison to the impacts on other communities. While the Navy's activities would occur in the Arctic Ocean, and Alaska Natives subsistence hunt ringed seals in the Arctic Ocean, the Navy's Proposed Action (and therefore, the take of marine mammals that would be authorized through the IHA) would occur for a brief period of time outside of the primary subsistence hunting season. Though seals are harvested for subsistence uses off the North Slope of Alaska, the ICEX Study Area boundary is seaward of subsistence hunting areas (approximately 50 km from shore at the closest point, though exercises would occur farther offshore).

- F. *The degree to which the proposed action is likely to result in effects that contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of the species.*

NMFS' Proposed Action of issuing an IHA to the Navy to incidentally take ringed seals would not result in effects that contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of the species. The IHA would be limited to the take of ringed seals incidental to the Navy's proposed submarine training and testing activities. IHAs do not authorize the underlying activity (in this case, the Navy's training and testing activities), only the take incidental to that activity. The incidental take of ringed seals, by Level B harassment only, that would be authorized under this IHA would not contribute to the introduction, continued existence, or spread of noxious weeds or nonnative invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of the species.

- G. *The potential for the proposed action to cause an effect to any other physical or biological resources where the impact is considered substantial in magnitude (e.g., irreversible loss of*

coastal resource such as marshland or seagrass) or over which there is substantial uncertainty or scientific disagreement.

NMFS' Proposed Action of issuing an IHA to the Navy to incidentally take ringed seals is not expected to cause an effect to any other physical or biological resources where the impact is considered substantial in magnitude (e.g., irreversible loss of coastal resource such as marshland or seagrass) or over which there is substantial uncertainty or scientific disagreement. NMFS' proposed IHA would authorize incidental take by Level B harassment of ringed seals. The take that is expected to occur and proposed for authorization is based on the best available science. This incidental take is expected to be in the form of short-term and localized changes in behavior and/or temporary displacement, including TTS, based on numerous scientific studies, modeling informed by scientific studies, and monitoring conducted as a requirement under previous IHAs for other projects. Any impacts would be temporary and local in nature and are not expected to cause any effect to any other physical or biological resources. Take by injury (Level A harassment), serious injury, or mortality is not anticipated nor proposed to be authorized.

There is scientific uncertainty regarding the abundance of the Alaska stock of ringed seals, for which take by Level B harassment would be authorized through the IHA, if issued. However, this uncertainty does not affect NMFS' ability to determine that impacts of NMFS' action would not be significant, given the nature of the Navy's actions for which take would be authorized, as well as the proposed mitigation measures, as described in Section 6.2 of the final 2024 SEA/OEA.

v. Other Actions Including Connected Actions:

As described in Section 1.2 (Purpose and Need) of the final 2024 SEA/OEA, NMFS' Proposed Action and the purpose and need for that action, are a direct outcome of the Navy's request for an MMPA IHA in connection with conducting submarine training and testing activities, including the use of active acoustic transmissions throughout the ICEX Program Study Area.

If the proposed IHA is issued, that would be the fourth time NMFS has authorized take of marine mammals associated with the Navy's ICEX activities (following authorizations for activities in 2018, 2020, and 2022). Chapter 5 (Cumulative Impacts) of the 2022 EA/OEA discusses cumulative impacts, and Table 5-1 of the 2022 EA/OEA lists other known recent past, present, and reasonably foreseeable future actions within the vicinity of the ICEX Program Study Area, including the 2018 and 2020 ICEX activities and other activities for which NMFS has previously issued an ITA.

As described in Chapter 5 of the 2022 EA/OEA, ICEX activities are short-term and conducted biannually, and the risk of exposing the same animals in multiple ICEXs or Office of Naval Research (ONR) activities (discussed in the 2022 EA/OEA) is low. Additionally because of the distance between oil and gas activities to the area where the Navy operates for ICEX and ONR testing, the risk is low in exposing the same animals to both the oil and gas activities and the Navy activities. Based on the past, present, and reasonably foreseeable future actions within the Study Area, the incidental take associated with NMFS' issuance of the IHA would not be expected to considerably contribute to any cumulative impacts from all other actions and activities in the Beaufort Sea.

vi. Mitigation and Monitoring:

NMFS does not authorize the Navy's ICEX24 activities, however, NMFS does propose to authorize the incidental take of marine mammals under its jurisdiction in connection with these activities and

prescribes, where applicable, the methods of taking and other means of effecting the least practicable impact on the species and stocks and their habitats. NMFS' issuance of this IHA would thus be conditioned upon reporting requirements and the implementation of mitigation and monitoring designed to reduce impacts to marine mammals to the level of least practicable impact, as required under section 101(a)(5)(D) of the MMPA. These conditions are summarized below and are described in detail in Chapter 6 of the final 2024 SEA/OEA as well as the proposed IHA.

Appropriate personnel (including civilian personnel) involved in mitigation and training or testing activity reporting under the specified activities will complete Arctic Environmental and Safety Awareness Training. Modules include: Arctic Species Awareness and Mitigations, Environmental Considerations, Hazardous Materials Management, and General Safety.

Measures to avoid take during on-ice activities:

- The ice camp and runway would be established on first-year or multi-year ice without pressure ridges.
- Ice camp deployment would begin no later than mid-February 2024 and be gradual, with activity increasing over the first five days. Camp deployment would need to be completed by March 15, 2024.
- Personnel on all on-ice vehicles would observe for marine and terrestrial animals.
- Snowmobiles would follow established routes, when available. On-ice vehicles would not be used to follow any animal, with the exception of actively deterring polar bears in accordance with U.S. Fish and Wildlife Service requirements or guidance if the situation requires.
- Personnel on foot and operating on-ice vehicles would avoid areas of deep (>0.5 m) snowdrifts and pressure ridges by 0.8 km.
- Personnel would maintain a 100-m avoidance distance from all observed marine mammals.
- All material (e.g., tents, unused food, excess fuel) and wastes (e.g., solid waste, hazardous waste) would be removed from the ice floe upon completion of ICEX24 activities.

Shutdown and delay measures for acoustic activities:

- Personnel would begin passive acoustic monitoring (PAM) for vocalizing marine mammals 15 minutes prior to the start of activities involving active acoustic transmissions from submarines.
- Personnel would delay active acoustic transmissions if a marine mammal is detected during pre-activity PAM and must shutdown active acoustic transmissions if a marine mammal is detected during acoustic transmissions.
- Personnel would not restart acoustic transmissions until 15 minutes have passed with no marine mammal detections.

Mitigation required for aircraft activities:

- Fixed wing aircraft would operate at highest altitudes practicable taking into account safety of personnel, meteorological conditions, and need to support safe operations of a drifting ice camp. Aircraft would not reduce altitude if a seal is observed on the ice. In general, cruising elevation would be 457 m or higher.
- Unmanned Aircraft Systems (UASs) would maintain a minimum altitude of at least 15.2 m above the ice. They would not be used to track or follow marine mammals.

- Helicopter flights would use prescribed transit corridors when traveling to or from Prudhoe Bay and the ice camp. Helicopters would not hover or circle above marine mammals or within 457 m of marine mammals.
- Aircraft would maintain a minimum separation distance of 1.6 km from groups of five or more seals.
- Aircraft would not land on ice within 800 m of hauled-out seals.

DETERMINATION

The CEQ NEPA regulations, 40 CFR § 1501.6, direct an agency to prepare a FONSI when the agency, based on the EA for the Proposed Action, determines not to prepare an EIS because the action will not have significant effects. In view of the information presented in this document and the analysis contained in the supporting final 2024 SEA/OEA, and the 2022 EA/OEA that it supplements, prepared for the Ice Exercise Program and the Navy's IHA application, it is hereby determined that the issuance of an IHA for the incidental harassment of marine mammals (ringed seals) incidental to the Navy's 2024 Ice Exercise Program will not significantly impact the quality of the human environment. The 2024 Supplemental Environmental Assessment/Overseas Environmental Assessment for the Ice Exercise Program and the 2022 Environmental Assessment/Overseas Environmental Assessment for the Ice Exercise Program are hereby incorporated by reference. In addition, all beneficial and adverse impacts of the Proposed Action as well as mitigation measures have been evaluated to reach the conclusion of no significant impacts. Accordingly, preparation of an EIS for this action is not necessary.

For Kimberly Damon-Randall,
Director, Office of Protected Resources
National Marine Fisheries Service

Date